Hyderabad under Section 18 of the Cattle Trespass Act, 1871, to be placed to the credit of the Municipality of Hyderabad, and is pleased to direct that all such surplus accruing as aforesaid within the said area on and after the 1st day of April 1891 shall be placed to the credit of Government.

Notn. No. 8792, Revenue, dated 11th November 1895, B. G. G., 1895, Pt. I, p. 1139.

In exercise of the powers conferred by Section 31 (*b*) of the Cattle Trespass Act (I of 1871, as amended by Act I of 1891), His Excellency the Governor in Council is pleased to direct that the surplus proceeds of the Cantonment pound, Jacobabad, shall be credited one-half to the Cantonment Fund, Jacobabad, and one-half to Provincial Funds monthly after the accounts of the preceding month have been made up and passed by the Cantonment Committee, with effect from the 1st November 1895.

RULES AND ORDERS UNDER ACT XXIII OF 1871.

PENSIONS.

AUTHORIZING CERTAIN OFFICERS OF THE SALT DEPARTMENT TO HEAR CLAIMS AND GRANT CERTIFICATES.

Notn. No. 4247, Revenue, dated 22nd July 1881, B. G. G., 1881, Pt. I, p. 397.

Under the provisions of Sections 5 and 6 of the Pensions Act, 1871, His Excellency the Right Honourable the Governor in Council is pleased to authorize the Deputy and Assistant Collectors of Salt Revenue in charge of Ranges to hear and dispose of claims and grant certificates empowering a Civil Court to take cognizance of claims relating to grants of money payable on the part of Government in the Salt and Continental Customs Revenue Department, and under the provisions of Section 84 of the Bombay Hereditary Offices Act, 1874, His Excellency the Right Honourable the Governor in Council is pleased to confer on the Collector of Salt Revenue all such of the powers and duties of a Revenue Commissioner and on the aforesaid officers all such of the powers and duties of a Collector under that Act as are necessary for the lawful control of and are applicable to hereditary offices connected with the said Department.

RULES UNDER SECTIONS 5, 8 AND 14 OF THE ACT.

Notn. No. 6849, Revenue, dated 23rd December 1879, B. G. G., 1879, Pt. I, p. 1020.

In exercise of the powers conferred by Sections 5, 8 and 14 of the Pensions Act, 1871, the Commissioners, Northern Division, Central Division, and Southern Division, have, with the approval of Government, framed the

following rules in supersession of the rules under Section 14 of the said Act, published at page 656 of the *Bombay Government Gazette* of 7th August 1873, and of all other rules and orders on the same subjects hitherto in force in any part of the Divisions of the said Commissioners :—

I.—Under Section 5.

Disposal of claims concerning Service Pensions ;

1. Claims relating to pensions or gratuities on account of service, whether in the civil, military, naval, or any other department of the administration, are to be inquired into and disposed of in such manner as may be directed in the Civil Pension Code, or in any rules or orders for the time being in force applicable to such pensions respectively.

and of claims relating to Service Watan Allowances.

2. Claims relating to any cash payment forming part of the property of a watan in respect of which no service commutation settlement has been effected, will be inquired into and disposed of in accordance with the provisions of the Bombay Hereditary Offices Act and of the rules and orders from time to time in force thereunder. In the event of any such claim being preferred to which none of the said provisions shall appear to be applicable, the orders of Government should be obtained through the proper channel previous to the disposal thereof.

Extent of applicability of rest of these rules.

3. Nothing in the rest of these rules applies to any pension, gratuity, or cash payment to which the two last rules apply.

[a] 3*A*. For the purposes of these rules—

(1) The Collector of Bombay shall exercise the powers of a Collector in respect of pensions or grants payable in Bombay, and the same powers shall be exercised by the Resident at Baroda, the Political Agent, Cutch, and the Agent to the Governor in Káthiáwár, in respect of pensions or grants payable from the treasuries at Baroda, Cutch and Rájkot, respectively ; and

(2) The Commissioner, C. D., shall be regarded as Commissioner for the Bombay treasury and for the treasuries at Baroda, Cutch and Rájkot.

Disposal of claims preferred under Section 5.

[b] 4. All claims preferred to a Collector under Section 5 of the Act shall ordinarily be disposed of by him with the sanction of the Commissioner, but whenever there is, in the opinion of the Collector, any very exceptional case of doubtful title, he may, with the previous sanction of Government, issue a certificate under Section 6 of the Act, authorizing the Civil Court to try the same. Provided that no certificate shall be issued for any case which could not be decided by the Civil Court in favour of one or more of the parties thereto without making an order or decree, such as it is prohibited from making by the said section.

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[a] This rule was inserted by Govt. Notn. No. 9416, Revenue, dated 6th December 1904, *B. G. G.*, 1904, Pt. I, p. 1656.

[b] This rule was substituted for the original one by Govt Notn. No. 5663, Revenue, dated 11th September 1900, *B. G. G.*, 1900, Pt. I, p. 1930.

Previous sanction of Commissioner when necessary to final order of disposal.

5. Except in the cases provided for in the last paragraph of Rule 7, no claim by which the liability of Government to pay any pension or grant is affected directly or indirectly shall be disposed of by a Collector without first obtaining the sanction of the Commissioner of the Division to the order which he proposes to pass.

Reference of claims for inquiry to subordinate officers.

[a] 6. Any claim preferred to a Collector under Section 5 of the Act may be referred by him for inquiry and report to any Assistant or Deputy Collector or other officer subordinate to him and every Assistant or Deputy Collector in charge of tálukas may receive claims on behalf of the Collector and forward the same with his opinion after inquiry to the Collector; no order disposing of any matter referred to an Assistant or Deputy Collector as aforesaid shall be passed by such officer on his own authority.

Law, etc., to be observed in disposal of claims.

7. Claims relating to pensions or grants are to be disposed of in accordance with:

(*a*) The law, if any, for the time being in force applicable to such claims.

(*b*) The terms and conditions of the sanad or other document, if any, under which such pensions or grants are enjoyed.

(*c*) The rules or orders of Government for the time being in force if applicable to such claims.

But if any claim is brought, the subject-matter of which has been already inquired into and disposed of by competent authority, the Collector will merely record the fact of such previous decision, and dispose of the claim accordingly.

II.—Under Section 8.

Payments to be for the year commencing 1st May, but may be made in instalments.

8. All payments of pensions or grants are usually to be made in one lump sum for the year commencing on the 1st May and ending 30th April, but applications for their payment by monthly or quarterly instalments may be considered and disposed of by the Collectors.[b] * * * * [b]

Payments of arrears.

9. Pensions and grants, for the payment of which application is duly made at the proper period, will be paid in full, except in the case of payment being suspended, pending the orders of a Civil Court or pending inquiries by Government or by any officer of Government. But if, owing to non-application or other neglect on the part of the claimants, such payments fall into arrear, the pensions or grants will be paid as follows:—

For the current year in full.			
First year's arrears in full.			
Second	do.	subject to a deduction of 10	per cent.
Third	do.	do. 20	do.
Fourth	do.	do. 30	do.
Fifth	do.	do. 40	do.

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[a] See foot-note [b] on p. 122, *supra*.

[b—b] The words "subject to the sanction of the Commissioner" were omitted by Govt. Notn. No. 1980, Revenue, dated 18th March 1891; *B. G. G.*, 1891, Pt. 1, p. 253.

Provided that no deduction shall be made under this Rule from arrears of payments due (1) on account of village dewasthán allowances not exceeding Rs. 5 per annum in amount or (2) under compensation bonds.

The "current year" means the year within which payment is properly due under Rule 14.

Payment of arrears due to deceased persons.

10. Subject to the provisions of Rule 9, Collectors may authorize the payment of arrears due to a deceased person after such investigation as shall satisfy them:

(*a*) of the actual date of such person's death, and

(*b*) that the applicant is entitled as such person's legal heir, or otherwise, to receive payment.

Pension or grant not drawn for six years to lapse.

11. Any pension or grant for payment of which no application is duly made for more than six years, [a] or, in the case of Hardás, Gosávis' allowances, two years[a] is to be struck off the books, and all arrears forfeited.

But in certain cases may be re-admitted.

But if the pension or grant is held under a permanent or hereditary title, it may be re-admitted without payment of arrears if a claim thereto is duly preferred under Section 5 of the Act within twelve years from the date of the last payment.

Date of applications for arrears to be noted.

12. The date on which application for payment was made must be noted by the disbursing officer on all bills for arrears.

III.—Under Section 14.

Place of payment of pensions and grants.

13. Pensions or grants will be paid at the following places, namely:—

(1) If payable on behalf of a religious institution, at the treasury of the District or Táluka in which such institution is situated, when the amount of the pension or grant exceeds Rs. 5 per annum or, whatever the amount, when there is no hereditary patel in the village in which such institution is situated, and through the patel of the village in which such institution is situated when the amount does not exceed Rs. 5 per annum and there is an officiating hereditary patel in such village.

(2) If payable on behalf of a religious institution in foreign territory, at the nearest Government Treasury.

(3) If the pension or grant is personal, at the treasury most convenient to the recipient.

Orders for permitting transfers of payment under the above clause (3) will be made by the Collectors if the transfer sought is from one treasury to another within the same Collectorate, by the Commissioners, if the transfer sought is from a treasury in one Collectorate to a treasury in another Collectorate within the same division, and by Government in any other case.

[a—a] These words were added by Govt. Notn. No. 623, Revenue, dated 24th January 1883, *B. G. G.* 1883, Pt. I, p. 83.

Times of payment.

14. All pensions and grants shall be deemed to be due on the 1st May next after the completion of the year in respect of which they are payable, but shall ordinarily be payable only in the months respectively fixed, or hereafter to be fixed, by or under the orders of Government for payment of pensions and grants of the various descriptions. But when payment in monthly or quarterly instalments has been directed by the Collector under Rule 8, payments will be made in accordance with such direction.

Persons to whom payments are to be made.

15. Pensions and grants will be paid only to those persons whose names have been authorizedly entered in the records as the payees thereof, or to their duly empowered attorneys or mukhtiárs, or, if they are minors, to their administrators.

Life-certificates when necessary.

Except as is otherwise provided in Rule 23, payments will be made to an attorney, mukhtiár, or administrator only, on his satisfying the disbursing officer by the production of a certificate, signed by a Magistrate or by some other well known person of respectability, that the payee was living on the last day of the year or other period for which the pension or grant is due.

Payee in case of alienable pensions or grants.

16. In the case of pensions or grants which Government recognize as alienable, the name of the lawful holder for the time being shall, subject to the provisions of Rules 17 and 18, be entered in the records as payee.

Life-certificate of original grantee or of his descendants when necessary.

But if any such pension or grant is continuable by Government only so long as the original grantee and certain of his descendants shall be in existence, and the payee has obtained a transfer of the same by sale, gift, mortgage, or the like, such payee must produce at the time of each payment a certificate from the Mámlatdár or Mahálkari of the táluka or Mahál in which the original grantee or his descendants reside, or if their residence be in foreign territory, of some British officer resident in the said territory, that such grantee or his said descendants (who should invariably be named) on whose behalf payment is claimed was or were alive on the last day of the year or other period for which such payment is due.

Mutation of payees' names.

17. Applications for mutation of payees' names in the records shall be received and disposed of by the Collectors.

In the case of alienations, and

In the case of a transfer of any pension or grant which Government recognize as alienable such mutation may be made on obtaining the consent in writing of the existing payee without further inquiry.

In case of death of former payee.

In the case of the death of a payee, the Collector may require the production by the applicant of a certificate of heirship and of such other evidence as he deems fit.

When application for mutation of names may be treated as a claim under Section 5 of the Act

But whenever there is any dispute between conflicting parties, and whenever the Collector doubts whether the pension or grant is any longer continuable, the application shall be regarded by him as a claim under Section 5 of the Act, and shall be dealt with accordingly.

Any mutation of names rendered necessary by the decision in any claim under Section 5 of the Act (including applications of the nature specified in the last preceding para. of this Rule) may be made by the Collector without further investigation.

Mutation of names consequent upon decision of claims under Section 5 of the Act.

18. As a rule the name of one person only will be entered as payee of each separate entire pension or grant.

Whose name may be entered as payee.

In the case of two or more joint transferees of a pension or grant which Government recognize as alienable they must elect which one's name shall be so entered, and in the event of their failing so to do within such period as shall be fixed by the Collector, the Collector shall enter the name of such one of them as he deems fit.

In the case of joint transferees, and

In the case of joint-heirs, the Collector will determine who is the eldest male representative of the senior surviving branch of the original grantee's or of the transferee's family, or in the absence of male heirs, who is the senior heiress and enter his or her name as payee: Provided that at the request of the person thus entitled to be entered as payee the name of any other member of the family may be substituted by the Collector for that of the said person during such person's life-time.

In the case of joint-heirs.

19. If any pension or grant has been hitherto entered in the records in the joint names of two or more persons, or, if any division of a pension or grant has been recognized, and the shares entered separately in the names of the respective co-sharers, such entries may hereafter be continued; but no such new entries shall be made in the records except with the previous sanction of the Commissioner, which shall be given only under very special circumstances.

Joint payees and separate recognition of sharers.

But Collectors may, on written application, sanction sub-divisions of pensions or grants by disbursing officers at the time of payment by special written order in each case.

20. Whenever in consequence of disagreements amongst joint-payees or for any other reason their joint receipt shall not be obtainable for any payment already due, the Collector may authorize such payment to be made to any one or more of such joint payees who are willing to pass a receipt.

Payment to joint-payees when their joint receipt is not obtainable.

21. The persons recorded as the payees of pensions or grants, and the persons to whom any payment may be made under the last preceding rule, are not necessarily entitled to appropriate the whole of such pensions, grants or payment to themselves, but are responsible for distributing the same to all co-sharers, or sub-sharers in the proportions to which they are respectively entitled.

Payees responsible for proper distribution of pension or grant to sharers.

22. Except, as is otherwise provided in Rule 23, a Descriptive Roll in the form of Appendix A, shall be kept by the disbursing officer of every payee entitled to receive payment of a pension or grant from him. A copy of such Roll

Preparation of Descriptive Rolls.

under the disbursing officer's signature shall be furnished to the payee for production by him at the time of each payment, which shall be noted therein in the manner shown in the form.

Inquiries into identity of claimants.

The person applying for payment must be indentified by comparison with the particulars given in the Descriptive Roll, and the disbursing officer should take every precaution against fraudulent personation. When the payee can write, his signature should, at the time of payment, be compared with that in the Descriptive Roll in the disbursing officer's possession.

Descriptive Rolls and Life-certificates may be dispensed with in certain cases.

23. Descriptive Rolls and Life-certificates may be dispensed with in the case of natives of rank and pardah-posh ladies; but the disbursing officer will not on that account be exempt from the general responsibility which necessarily attaches to all payments.

Descriptive Rolls will not be necessary in the case of pensions or grants on account of native religious or charitable institutions which are paid to Panches or Committees or to the village-patels, nor in the case of payees of allowances which have been declared to be continuable hereditarily.

[a] 23*A*. The disbursing officer shall, if the payee be able to write, obtain his signature in a book specially kept for the purpose, when he first presents himself to receive payment, and compare this signature with that in the receipt book at the time of each subsequent payment. A fresh signature book should be prepared every ten years.

[a] 23*B*. In every case in which the payee is not personally known to the disbursing officer, he shall be required to bring with him, when he comes to receive payment, a witness known to the disbursing officer to prove his identity. The witness shall, in token of his identifying the payee, affix his signature or mark below that of the payee in the receipt book. When the payee is personally known to the disbursing officer, no such witness shall be necessary, the disbursing officer himself putting his initials below the signature or mark of the payee in token of his identity.

[a]23*C*. It shall be the duty of the village officer to send to the Mámlatdár of the táluka early intimation of the death in his village of every recipient of a cash allowance or grant from Government. The Mámlatdár shall, on receipt of the intimation, note the fact in the Peta Khátewahi (Táluka Forms Nos. 23 and 24), and in case the deceased held any allowance from any other treasury or treasuries, communicate the fact to the treasury or treasuries concerned.

Printed lists to be kept of sanctioned pensions and grants.

24. Each Commissioner will prepare under his signature lists in English and in the Vernacular of all pensions and grants in each Collectorate in his Division and furnish printed copies thereof to the Mámlatdárs, the Collectors, their Assistants and Deputies, the Accountant General and to Government.

Where such lists have already been prepared under the signature of the Alienation Settlement Officer, new ones need not be prepared.

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[a] These rules were added by Govt. Notn. No. 2758, Revenue, dated 7th April 1897, *B. G. G.*, 1897, Pt. I, p. 644.

[a] The Commissioner, C. D., will also prepare similar lists of all pensions and grants payable in Bombay and at the Political treasuries at Baroda, Cutch and Rájkot and furnish printed copies thereof to the Resident at Baroda, the Political Agent, Cutch, and the Agent to the Governor in Káthiáwár.

Monthly Correction Statements to be submitted to the Commissioner, Central Division.

[b]25. A monthly statement of all proposed alterations in or additions to the said lists in consequence of decisions or orders passed during the preceding month affecting the same, shall be submitted by each Collector on such date as may be fixed for their submission in communication with the Accountant General, to the Commissioner, Central Division, who shall cause the same to be promptly scrutinized in his office, and after countersigning the same, shall cause duplicate thereof to be sent to the Accountant General with the orders of the Commissioner duly recorded thereon; and shall also direct that the lists in his own office and in the various offices in the Collectorate shall be corrected accordingly. The Accountant General shall also correct his lists in accordance with the duplicate copy of the statement so countersigned and forwarded to him.

No pension or grant shall be entered in, or struck out from, the accounts or the said lists, except with the previous sanction of the Commissioner.

Accounts to be kept by disbursing officers.

26. Disbursing officers will, on the 1st of May of each year, or as soon after as possible, prepare Ledgers (peta-khátáwahis) agreeably to the Táluka Forms Nos. 21 and 22 contained in Hope's Manual of Accounts and will keep Books in the Táluka Forms Nos. 11 and 12 contained in that Manual, and will be held responsible for the correctness of the entries in these Ledgers and Books and for their being properly filled in from time to time.

Issue of Sanads to payees of pensions and grants.

27. Sanads in the name of the Secretary of State for India in Council will be executed by the Collectors, as authorized in the Government of India's Resolution No. 684, dated 31st May 1878(1), Home Department (*vide* Government Resolution No. 3518, dated 14th June 1878, Judicial Department), in favour of the payee or payees for the time being of every pension or grant in respect of which the issue of such sanads has been or may hereafter be sanctioned by Government. Such sanads will be issued once for all, and sanads already issued by Alienation Settlement Officers or by Collectors or by any other officer authorized by Government in this behalf shall be deemed to have been issued under this Rule.

The terms and conditions to be inserted in these sanads will be such as Government may from time to time authorize or as may already have been so authorized.

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[a] This clause was inserted by Govt. Notn. No. 9416, Revenue, dated 6th December 1904, *B. G. G.*, 1904, Pt. I, p. 1656.

[b] This amended rule was substituted for the original Rule 25 by Govt. Notn. No. 10347, Revenue, dated 24th December 1885, *B. G. G.*, 188', Pt. I, p. 1430,

(1) Superseded by the Govt. of India's Resolution, Home deptt., No. $\frac{3 \text{ Judicial}}{485-501}$, dated 28th March 1895, republished in Govt. Notn. No. 2213, dated 2nd April 1895, *B. G. G.*, 1895, Pt. I, p. 397.

Registers of Sanads to be kept,

28. Registers of these sanads will be kept by each Collector, and a General Register by each Commissioner.

which shall be open to inspection, etc.

The said Registers shall be open to public inspection during office hours, and extracts from the same shall be obtainable, subject to the same rules and to the payment of the same fees as apply to the case of Registers of the documents mentioned in clause (*d*), Section 90 of the Indian Registration Act, 1877.

Reference to Civil Court under Section 6 of the Act.

29. Reference to the Civil Court under Section 6 of the Act of any person claiming a right of succession to or participation in any pension or grant, or any other right relating to any pension or grant shall be made in accordance with Rule 4 by the Collectors granting to such person a certificate in the form of Appendix B authorizing the Civil Court to try the case set forth in such person's claim.

APPENDIX A—(See Rule 22).

Form of Descriptive Roll.

Running No.	No. in the Alienation List or Pota Khátáwahi.	Name.	Caste or Sect.	Residence.	Personal identification.	Height.	Age at the date of preparing the Roll.	Monthly, quarterly, half-yearly or yearly Amount.	How long continuable.	Signature of the party whose Descriptive Roll is prepared.	Signature of Witnesses of identification.	Signature of the Officer before whom the Descriptive Roll is taken.	Date of preparing the Roll.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Payments.

When paid.	For what period.	Amount	To whom paid.	Signature of the Disbursing Officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.

APPENDIX B—See Rule 29).

Form of Certificate.

Whereas *A. B.* of is desirous of preferring a claim against *C. D.* of to establish his right to

(*Here state clearly the nature of the claim.*)

This is to certify that I., *E. F.*, Collector of , do hereby allow, under Section 6 of the Pensions Act, 1871, that the said claim may be tried by any Civil Court otherwise competent to try the same.

(Signed) *E. F.*,
Collector.

Dated at
this day of 18 .

Seal of the Collector.

RULES FOR SIND.

Notn. No. 5753, Revenue, dated 14th December 1881, S. O. G., 1881, Pt. I, p. 597.

In exercise of the powers conferred on him by Sections 5, 8 and 14 of the Pension Act, XXIII of 1871, the Commissioner in Sind has, with the approval of Government, framed the following Rules in supersession of the rules published at pages 929 and 930 of the *Bombay Government Gazette*, in Notification dated 7th November 1873, and of all other rules and orders on the same subject hitherto in force in any part of the Province of Sind :—

RULES.

I.—Under Section 5.

Disposal of claims concerning service pensions.

1. Claims relating to pensions or gratuities on account of service, whether in the Civil, Military, Naval or any other Department of the administration, are to be inquired into and disposed of in such manner as may be directed in the Civil Pension Code, or in any rules or orders for the time being in force applicable to such pensions respectively.

Extent of applicability of rest of these rules.

2. Nothing in the rest of these rules applies to any pension, gratuity, or cash payment to which Rule 1 applies.

[a] 3. All claims preferred to a Collector under Section 5 of the Act shall ordinarily be disposed of by him with the sanction of the Commissioner, but whenever there is, in the opinion of the Collector, any very exceptional case of doubtful title, he may, with the previous sanction of Government, issue a certificate under Section 6 of the Act, authorising the Civil Court to try the same. Provided that no certificate shall be issued for any case which could not be decided by the Civil Court in favour of one or more of the parties thereto without making an order or decree such as it is prohibited from making by the said section.

Disposal of claims preferred under Section 5.

4. Except in the case provided for in the last paragraph of Rule 6, no claim by which the liability of Government to pay any pension or grant is affected directly or indirectly, shall be disposed of by a Collector without first obtaining the sanction of the Commissioner in Sind.

Previous sanction of the Commissioner in Sind when necessary to final order of disposal.

[b] 5. Any claim preferred to a Collector under Section 5 of the Act may be referred by him for inquiry and report to any Assistant or Deputy Collector or other officer subordinate to him, and every Assistant or Deputy Collector in charge of tálukas may receive claims on behalf of the Collector and forward the same, with his opinion after inquiry, to the Collector. No order disposing of any matter referred to an Assistant or Deputy Collector as aforesaid shall be passed by such officer on his own authority.

Reference of claims for inquiry to subordinate officers.

Law, etc., to be observed in disposal of claims.

6. Claims relating to pensions or grants are to be disposed of in accordance with

(*a*) the law, if any for the time being in force, applicable to such claims;

(*b*) the terms and conditions of the "Sanad" or other document, if any, under which such pensions or grants are enjoyed;

(*c*) the rules or orders of Government for the time being in force, if applicable to such claims.

But if any claim is brought, the subject matter of which has been already enquired into and disposed of by a competent authority, the Collector will merely record the fact of such previous decision and dispose of the claim accordingly.

II.—Under Section 8.

Payments to be for the year commencing 1st May, but may be made in instalments.

7. All payments of pensions or grants are usually to be made in one lump sum for the year commencing on the 1st May and ending 30th April; but applications for their payment by monthly or quarterly instalments may be considered and disposed of by the Collectors, subject to the sanction of the Commissioner in Sind.

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[a] This rule was framed in modification of the orginal Rule 3, by Commissioner's Notn. No. 3628, dated 5th October 1900, *S. O. G.*, 1900, Pt. I, p. 405.

[b] This rule was framed in modification of the original Rule 5, by Commissioner's Notn. No. 3628, dated 5th October 1900, *S. O. G.*, 1900, Pt. I, p. 405.

Payment of arrears.

8. Pensions and grants, for the payment of which application is duly made at the proper period, will be paid in full, except in the case of payment being suspended, pending the orders of a Civil Court or pending enquiries by Government or by any officer of Government. But if, owing to non-application or other neglect on the part of the claimants, such payments fall into arrears, the pensions or grants will be paid as follows:—

For the current year in full.			
First year's arrears in full.			
Second	do.	subject to a deduction of	10 per cent.
Third	do.	do.	20 per cent.
Fourth	do.	do.	30 per cent.
Fifth	do.	do.	40 per cent.

(The "current year" means the year within which payment is properly due under Rule 13.)

Payment of arrears due to deceased persons.

9. Subject to the provisions of Rule 8, Collectors may authorize the payment of arrears due to a deceased person after such investigation as shall satisfy them

(*a*) of the actual date of such person's death, and

(*b*) that the applicant is entitled, as such person's legal heir or otherwise, to receive payment.

Pension or allowance not drawn for six years to lapse.

10. Any pension or grant for payment of which no application is duly made for more than six years, is to be struck off the books and all arrears forfeited. But if the pension or grant is held under a permanent or hereditary title, it may be re-admitted without payment of arrears if a claim thereto is duly preferred under Section 5 of the Act, within twelve years from the date of the last payment.

But in certains cases may be re-admitted.

Date of application for arrears to be noted.

11. The date on which the application for payment was made must be noted by the disbursing officer on all bills for arrears.

III.—Under Section 14.

Place of payment of pensions or grants.

12. Pensions or grants will be paid at the following places, namely:—

(1) If payable on behalf of a religious institution, at the Treasury of the District or Táluka in which such institution is situated.

(2) If payable on behalf of a religious institution in foreign territory, at the nearest Government Treasury.

(3) If the pension or grant is personal, at the Treasury most convenient to the recipient.

Orders for permitting transfers of payment under the above clause (3) will be made by the Collectors, if the transfer sought is from one treasury to another, within the same Collectorate; by the Commissioner in Sind, if the

transfer sought is from a treasury in one Collectorate to a treasury in another Collectorate within the same Division; and by Government in any other case.

Times of payment.

13. All pensions and grants shall be deemed to be due on the 1st May next after the completion of the year in respect of which they are payable, but shall ordinarily be payable only in the months respectively fixed or hereafter to be fixed, by or under the orders of Government for payment of pensions and grants of the various descriptions. But when payment in monthly or quarterly instalments has been directed by the Collector under Rule 7, payments will be made in accordance with such direction.

Persons to whom payments are to be made.

14. Pensions and grants will be paid only to those persons whose names have been authorizedly entered in the records as the payees thereof, or to their duly empowered Attorneys or Mukhtiars, or if they are minors to their Administrators.

Life certificates when necessary.

Except as is otherwise provided in Rule 22, payments will be made to an Attorney, Mukhtiar or Administrator only, on his satisfying the disbursing officer by the production of a certificate, signed by a Magistrate or by some other well known person of respectability, that the payee was living on the last day of the year or other period for which the pension or grant is due.

Payee in case of alienable pension or grant.

15. In the case of pensions or grants, which Government recognize as alienable, the name of the lawful holder for the time being shall, subject to the provisions of Rules 16 and 17, be entered in the records as payee.

Life certificate of original grantee or of his descendants when necessary.

But if any such pension or grant is continuable by Government only so long as the original grantee and certain of his descendants shall be in existence, and the payee has obtained a transfer of the same by sale, gift, mortgage or the like, such payee must produce at the time of each payment a certificate from the Mukhtyárkar of the Táluka or Mahál in which the original grantee or his descendants reside; or if their residence be in foreign territory, of some British Officer resident in the said territory, that such grantee or his said descendants (who should invariably be named) on whose behalf payment is claimed was, or were alive on the last day of the year or other period for which such payment is due.

Mutation of payees' names.

16. Applications for mutation of payees' names in the records shall be received and disposed of by the Collectors.

In the case of alienations, and

In the case of a transfer of any pension or grant which Government recognize as alienable, such mutation may be made on obtaining the consent in writing of the existing payee without further inquiry.

In case of death of former payee.

In the case of the death of the payee, the Collector may require the production by the applicant of a certificate of heirship and of such other evidence as he deems fit.

When application for mutation of names may be treated as a claim under Section 5 of the Act.

But whenever there is any dispute between conflicting parties, and whenever the Collector doubts whether the pension or grant is any longer continuable, the application shall be regarded by him as a claim under Section 5 of the Act, and shall be dealt with accordingly.

Mutation of names consequent upon decision of claim under Section 5 of the Act.

Any mutation of names rendered necessary by the decision in any claim under Section 5 of the Act, (including applications of the nature specified in the last preceding para. of this Rule), may be made by the Collector without further investigation.

Whose name may be entered as payee.

17. As a rule, the name of one person only will be entered as payee of each separate entire pension or grant.

In the case of joint transferees, and

In the case of two or more joint transferees of a pension or grant which Government recognize as alienable, they must elect which one's name shall be entered, and in the event of their failing so to do within such period as shall be fixed by the Collector, the Collector shall enter the name of such one of them as he deems fit.

In the case of joint heirs.

In the case of joint heirs, the Collector will determine who is the eldest male representative of the senior surviving branch of the original grantee's, or of the transferee's family; or in the absence of male heirs, who is the senior heiress and enter his or her name as payee. Provided at the request of the person thus entitled to be entered as payee, the name of any other member of the family may be substituted by the Collector for that of the said person during such person's life-time.

Joint payees and separate recognition of shares.

18. If any pension or grant has been hitherto entered in the records in the joint names of two or more persons, or if any division of a pension or grant has been recognized and shares entered separately in the names of the respective co-sharers, such entries may hereafter be continued; but no such new entries shall be made in the records, except with the previous sanction of the Commissioner in Sind, which shall be given only under very special circumstances. But Collectors may, on written application, sanction subdivisions of pensions or grants by disbursing officers at the time of payment by special written order in each case.

Payments to joint payees when their joint receipt is not obtainable.

19. Whenever in consequence of disagreements amongst joint payees or for any other reason their joint receipt shall not be obtainable for any payment already due, the Collector may authorize such payment to be made to any one or more of such joint payees who are willing to pass a receipt.

Payees responsible for proper distribution of pension or grant to sharers.

20. The persons recorded as the payees of pensions or grants and the persons to whom any payment may be made under the last preceding rule, are not necessarily entitled to appropriate the whole of such pensions, grants or payment to themselves, but are responsible for

distributing the same to all co-sharers, or sub-sharers, in the proportions to which they are respectively entitled.

Preparation of descriptive rolls.

21. Except as is otherwise provided in Rule 22, a descriptive roll, in the form of Appendix A, shall be kept by the disbursing officer of every payee entitled to receive payment of a pension or grant from him. A copy of such roll, under the disbursing officer's signature, shall be furnished to the payee for production by him at the time of each payment, which shall be noted therein in the manner shown in the form.

Inquiry into identity of claimants.

The person applying for payment must be identified by comparison with the particulars given in the descriptive roll, and the disbursing officer should take every precaution against fraudulent personation. When the payee can write, his signature should, at the time of payment, be compared with that in the descriptive roll in the disbursing officer's possession.

Descriptive rolls and life certificates may be dispensed with in certain cases.

22. Descriptive rolls and life certificates may be dispensed with in the case of natives of rank and "Pardah-posh" ladies, but the disbursing officer will not on that account be exempt from the general responsibility which necessarily attaches to all payments. Descriptive rolls will not be necessary in the case of pensions or grants on account of native religious or charitable institutions which are paid to "Panches" or Committees or other representatives of these institutions, nor in the case of payees of allowances which have been declared to be continuable hereditarily.

[a] 22*A*. The disbursing officer shall, if the payee be able to write, obtain his signature, and if unable to write, his mark, in a book specially kept for the purpose, when he first presents himself to receive payment, and compare this signature or mark with that in the receipt book at the time of each subsequent payment. A fresh signature or mark book should be prepared every ten years. The mark shall invariably be a thumb impression.

[a] 22*B*. In every case in which the payee is not personally known to the disbursing officer, he shall be required to bring with him, when he comes to receive payment, a witness known to the disbursing officer to prove his identity. The witness shall, in token of his identifying the payee, affix his signature or mark below that of the payee in the receipt book. When the payee is personally known to the disbursing officer no such witness shall be necessary, the disbursing officer himself putting his initials below the signature or mark of the payee in token of his identity. The mark shall invariably be a thumb impression.

[a] 22*C*. It shall be the duty of the tapadar to send to the Mukhtyarkar of the táluka early intimation of the death in his tapa of every recipient of a cash allowance or grant from Government. The Mukhtyarkar shall on receipt of the intimation, note the fact in the Peta Khátáwahi (Táluka Forms Nos. 23 and 24), and in case the deceased held any allowance from any other treasury or treasuries, communicate the fact to the treasury or treasuries concerned.

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[a] These rules were inserted by Commissioner's Notn. No. 1204, dated 23rd March 1898, *S. O. G.*, 1898, Pt. I, p. 280.

Printed lists to be kept of sanctioned pensions and grants.

23. The Commissioner in Sind will prepare, under his signature, lists in English and Vernacular of all pensions and grants in each Collectorate in the Province of Sind, and furnish printed copies thereof to the Mukhtyarkars, the Collectors, their Assistants and Deputies, the Accountant General and to Government.

Quarterly correction statements to be submitted to the Commissioner in Sind.

24. A quarterly statement of all proposed alterations in, or addition to, the said lists, in consequence of decisions or orders passed during the preceding three months affecting the same, shall be submitted by each Collector on the 1st January, 1st April, 1st July and 1st October to the Commissioner in Sind who, after scrutiny, shall countersign the same and direct that the lists in his own office and in the various offices in the Collectorate shall be corrected accordingly. A copy of the statement so countersigned shall also be sent to the Accountant General, who shall correct his lists in accordance therewith. No pension or grant shall be entered in, or struck out from the accounts or the said lists, except with the previous sanction of the Commissioner in Sind.

Accounts to be kept by disbursing officers.

25. Disbursing officers will on the 1st of May of each year, or as soon after as possible, prepare a Ledger (Khata Wahe), agreeably to the Táluka Form No. 22 contained in Hope's Manual of Accounts, and will keep a book in the Táluka Form No. 12 contained in that manual, and will be held responsible for the correctness of the entries in the ledger and book, and for their being properly filled in from time to time.

Issue of "Sanads" to payees of pensions and grants.

26. "Sanads" in the name of the Secretary of State for India in Council will be executed by the Collectors, as authorized in the Government of India's Resolution No. 684, dated 31st May 1878, Home Department (*vide* Bombay Government Resolution No. 3518, dated 14th June 1878, Judicial Department), in favour of the payee or payees for the time being of every pension or grant in respect of which the issue of such "Sanads" has been, or may hereafter be sanctioned by Government. Such "Sanads" will be issued once for all, and "Sanads" already issued by the Commissioner in Sind, or by Collectors or by any other officer authorized by Government in this behalf, shall be deemed to have been issued under this Rule.

The terms and conditions to be inserted in these "Sanads" will be such as Government may from time to time authorize or as may already have been so authorized.

Registers of "Sanads" to be kept,

27. Registers of these "Sanads" will be kept by each Collector, and a General Register by the Commissioner in Sind.

which shall be open to inspection, etc.

The said registers shall be open to public inspection during office hours, and extracts from the same shall be obtainable, subject to the same rules and to the payment of the said fees as apply to the case of registers of the documents mentioned in clause (*d*), Section 90, of the Indian Registration Act, 1877.

Reference to Civil Court, under Section 6 of the Act.

28. Reference to the Civil Court under Section 6 of the Act of any person claiming a right of succession to or participation in any pension or grant, or any other right relating to any pension or grant, shall be made in accordance with Rule 3 by the Collectors granting to such person a certificate in the form of Appendix B, authorizing the Civil Court to try the case set forth in such person's claim.

APPENDIX A—(See Rule 21).

Form of Descriptive Roll.

Running No.	No. in the Alienation List of Khátáwahi.	Name.	Caste or Sect.	Residence.	Personal identification.	Height.	Age at the date of preparing the Roll.	Monthly, quarterly, half-yearly, or yearly Amount.	How long continuable.	Signature of the party whose Descriptive Roll is prepared.	Signature of Witnesses of identification.	Signature of the Officer before whom the Descriptive Roll is taken.	Date of preparing the Roll.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Payments.

When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.

APPENDIX B.—(See Rule 28).

Form of Certificate.

Whereas *A. B.*, of , is desirous of preferring a claim against *C. D.*, of , to establish his right to (here state clearly the nature of the claim).

This is to certify that I, *E. F.*, Collector of , do hereby allow, under Section 6 of the Pensions Act, 1871, that the said claim may be tried by any Civil Court otherwise competent to try the same.

(Signed) *E. F.*,
Collector.

Seal of the Collector.

Dated at
this day of 18 .

RULES AND ORDERS UNDER ACT XXVII OF 1871.

CRIMINAL TRIBES.

DECLARING PART I OF THE ACT TO BE IN FORCE IN THE BOMBAY PRESIDENCY INCLUDING SIND.

Notn. No. 3536, Judicial, dated 25th May 1899, B. G. G., 1899, Pt. I, p. 868.

In exercise of the powers conferred by Section 1 of the Criminal Tribes Act, 1871, as amended by Section 2 of the Criminal Tribes Act Amendment Act, 1897, His Excellency the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare the whole of Part I of the said Act, amended as aforesaid, to be in force in the whole of the Presidency of Bombay (including Sind).

DECLARING THE TRIBE KNOWN AS HURS OR LURS IN SIND TO BE A CRIMINAL TRIBE.

Notn. No. 3537, Judicial, dated 25th May 1899, B. G. G., 1899, Pt. I, p. 868.

With the previous authorization of the Governor General in Council, under Section 5 of the Criminal Tribes Act, 1871, as extended by Notification No. 3536 of this date to the whole of the Presidency of Bombay (including Sind), His Excellency the Governor in Council is pleased to declare that the tribe known as the Hurs or Lurs in Sind is a criminal tribe within the meaning of the said Act.